

1 A bill to be entitled

2 An act for the relief of Robert Allan Smith by Orange
3 County; providing for an appropriation to compensate
4 him for injuries sustained as a result of the
5 negligence of an employee of Orange County; providing
6 for repayment of Medicaid liens; providing a
7 limitation on the payment of fees and costs; providing
8 an effective date.
9

10 WHEREAS, Robert Allan Smith was involved in a motor vehicle
11 accident on DePauw Avenue and Orlando Street in Orlando, Orange
12 County, on September 7, 2006, and

13 WHEREAS, Mr. Smith was operating his motorcycle within the
14 25 mph speed limit, with headlights on, at approximately 1:43
15 p.m., in clear, dry weather, headed north on DePauw Avenue, the
16 quiet residential street he lived on and within 300 feet of his
17 home, and

18 WHEREAS, Mr. Smith approached the intersection of Orlando
19 Street, which is governed by a stop sign, and a work van headed
20 west on Orlando Avenue, owned by Orange County and driven by
21 Orange County employee Lynn Lawrence Godden, negligently pulled
22 from said stop sign directly into Mr. Smith's path and caused a
23 collision with Mr. Smith, and

24 WHEREAS, Mr. Smith saw the driver of the van visibly slow
25 down upon approaching the stop sign and look at Mr. Smith as he

26 | approached on his motorcycle, but the driver of the van drove
27 | through the stop sign into Mr. Smith's path, and Mr. Smith had
28 | too little time and distance to prevent a collision, and

29 | WHEREAS, the front of the Orange County van struck the
30 | right side of Mr. Smith, causing severe and life-threatening
31 | injuries, including traumatic amputation of his right leg above
32 | the knee, a badly fractured lower left leg with internal
33 | fixation, and a broken pelvis and sacrum with internal fixation,
34 | and Mr. Smith required a laparotomy to repair damage to his
35 | rectum and internal organs, and

36 | WHEREAS, the Orange County employee testified he stopped at
37 | the stop sign and saw, to his left, the motorcycle pull out of a
38 | driveway but erroneously thought it was heading in the other
39 | direction away from him, though there was no evidence to support
40 | this claim, so he then looked to his right and entered the
41 | intersection without looking back to his left, and

42 | WHEREAS, the Orange County employee violated Mr. Smith's
43 | right-of-way and was issued a citation by the Orlando Police
44 | Department for failure to yield from a stop sign, and

45 | WHEREAS, before the civil jury trial, Robert Allan Smith's
46 | past hospitalization, medical, and rehabilitation expenses
47 | exceeded \$550,000 and his past lost earnings were in excess of
48 | \$137,000, and

49 WHEREAS, the jury determined that Mr. Smith's future
 50 medical expenses will total \$2,376,000 over 40 years, and past
 51 medical expenses and lost wages totaled \$688,807.37, and

52 WHEREAS, Robert Allan Smith was awarded \$1,749,978 in
 53 damages for past and future pain and suffering, for a total
 54 verdict award of \$4,814,785.37, and

55 WHEREAS, after reduction for comparative negligence and
 56 setoffs to allow for bill reductions by Medicaid and the
 57 Veteran's Administration, a judgment was entered in Orange
 58 County on November 27, 2012, against Orange County and in favor
 59 of Robert Allan Smith in the amount of \$2,913,536.09, plus
 60 taxable costs, and

61 WHEREAS, after entry of the judgment, Orange County has
 62 made partial payment to Robert Allan Smith in the amount of
 63 \$100,000, but the remainder of the judgment remains wholly
 64 unsatisfied, pending passage of this act into law, NOW,
 65 THEREFORE,

66
 67 Be It Enacted by the Legislature of the State of Florida:

68
 69 Section 1. The facts stated in the preamble to this act
 70 are found and declared to be true.

71 Section 2. Orange County is authorized and directed to
 72 appropriate from funds of the county not otherwise appropriated
 73 and to draw a warrant in the sum of \$2,813,536.09 payable to

74 Robert Allan Smith as compensation for injuries and damages
75 sustained as a result of the negligence of an employee of Orange
76 County.

77 Section 3. The governmental entity responsible for payment
78 of the warrant shall pay to the Agency for Health Care
79 Administration the amount due under s. 409.910, Florida
80 Statutes, before disbursing any funds to the claimant. The
81 amount due to the agency shall be equal to all unreimbursed
82 medical payments paid by Medicaid up to the date upon which this
83 act becomes a law.

84 Section 4. The amount paid pursuant to s. 768.28, Florida
85 Statutes, and the amount awarded under this act are intended to
86 provide the sole compensation for all present and future claims
87 arising out of the factual situation described in the preamble
88 to this act which resulted in the injuries and damages sustained
89 by Robert Allan Smith. Of the amount awarded under this act, the
90 total amount paid for attorney fees may not exceed \$562,707.218,
91 the total amount paid for lobbying fees may not exceed
92 \$140,676.80, and the total amount paid for costs and other
93 similar expenses relating to this claim may not exceed
94 \$70,351.88.

95 Section 5. This act shall take effect upon becoming a law.